

City Council Minutes
May 20, 2014

Regular Meeting
City Hall Council Chambers

Tuesday, May 20, 2014
6:00 p.m.

The regular meeting was called to order by Chairman Jerry Goss.
The city clerk called the roll:

Councilor Ferris	-	present	Councilor Vachon	-	present
Councilor Uhlenhake	-	present	Chairman Goss	-	present
Councilor O'Connell	-	present			

Chairman Goss declared a quorum present. City Manager Bost and City Solicitor Dearborn were also present.

Chairman Goss led members of the council and others present in reciting the pledge of allegiance to the flag of the United States of America.

Chairman Goss read the notice for the regular meeting.

TO: Joseph Ferris, Jerry Goss, Kevin O'Connell, Matthew Vachon and Beverly Uhlenhake
MEMBERS OF THE BREWER CITY COUNCIL You are hereby notified a regular meeting of the City Council will be held on Tuesday, May 20, 2014 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider and act on the items on the attached agenda.

s/Jerry Goss
Mayor and Chairman of the City Council

or _____
Majority of the City Council

a true copy, attest: s/Pamela J. Ryan
City Clerk

OFFICER'S RETURN

I have on the date(s) and time(s) indicated given notice of this meeting by giving in hand or by leaving at the usual dwelling place of the within named an attested copy of this notice of meeting:

Given/Delivered to:	by (person delivering)	Title	Date	Time
Joseph Ferris	M. Wilson	Ptl.	05/16/14	1813
Matthew Vachon	P. Ryan	CC.	05/16/14	4:05 pm
Beverly Uhlenhake	M. Wilson	Ptl.	05/16/14	1804
Jerry Goss	P. Ryan	CC.	05/16/14	2:25 pm
Kevin O'Connell	P. Ryan	CC.	05/16/14	3:40 pm

CITY COUNCIL REGULAR MEETING
Tuesday, May 20, 2014 6:00 P.M.
Brewer City Hall Council Chambers

- I. Call to Order.** (Mayor Jerry Goss)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America. Regular Meeting**
(Mayor Goss)
 - A. Minutes of April 1, 2014 Regular Meeting.** (Councilor O'Connell)
 - B. Awards, Petitions and Public Comments.**
 - 1. (2014-B019) RESOLUTION of Respect for Ralph Marden Dunbar.
(Councilor Ferris)
 - 2. (2014-B020) RESOLUTION of Respect for Louise Emily Whitney Briggs.
(Councilor Ferris)
 - 3. (2014-B021) RESOLVE, Recognize Nick Turner for Earning the Rank of Eagle Scout. (Mayor Goss)
 - 4. (2014-B022) RESOLVE, Recognize Steven Loftin for Earning the Rank of Eagle Scout. (Mayor Goss)
 - 5. Recognition: Joseph Ferris' Induction in the Maine Sports Hall of Fame.
(Mayor Goss)
 - 6. Public Comments.
- IV. Recess for Public Hearing.**
 - 1. Application of Thomas Shanos, High Tide Restaurant, LLC d/b/a High Tide Restaurant, 5 South Main Street for a State of Maine Class I, II, III and IV (malt, spirituous and vinous) Liquor License.
 - 2. FY2015 City and School Budget Informational Hearing.
- V. Adjourn Public Hearing and Continue with Regular Meeting.**
- C. Consent Calendar.**
 - 1. (2014-A060) ORDER, Accept Donation to the Brewer Parks and Recreation Department for Special Events.
(Councilor Ferris)
 - 2. (2014-A061) ORDER, Approve Amendment to Fraternal Order of Eagles #3177 State of Maine Liquor License to Permit Patrons to Consume Alcohol Outside the Building on the Fenced-in Lawn Portion of the Property Where Outdoor Games are Played (Such as Horseshoes etc.).
(Councilor Vachon)
 - 3. (2014-A062) ORDER, Accept Funds in a Forfeiture Resulting from a Recent Court Case that the Brewer Police Made a Substantial Contribution in the Successful Prosecution of. (Councilor Uhlenhake)

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4. (2014-A063) ORDER, Declare City Property Surplus and Authorize Sale of Surplus Property. (Councilor O'Connell)
5. (2014-A064) ORDER, Authorize the Refinancing of City's Existing Wastewater Bond and the Issuance of the City's General Obligation Refunding Bonds and a Tax Levy Therefor. (Councilor Ferris)
6. (2014-A065) ORDER, Extend Contract for Audit Services. (Councilor Vachon)
7. (2014-A066) ORDER, Authorize A Confirmatory Quitclaim Deed to Brewer Redevelopment, LLC. (Councilor Uhlenhake)
8. (2014-A067) ORDER, Accept a Parcel Donated by Brewer Redevelopment LLC and Dedicate it as an Extension to the Public Way Known as Center Street. (Councilor O'Connell)
9. (2014-A068) ORDER, Accept Tuition Reimbursement Funds for July Police Mactac School. (Councilor Vachon)
10. (2014-B023) RESOLVE, Approve State of Maine Class I, II, III and IV Liquor License Application of Thomas Shanos, High Tide Restaurant, LLC d/b/a High Tide Restaurant, 5 South Main Street. (Councilor O'Connell)
11. (2014-B024) RESOLVE, Authorize the Use of TIF Funds to Ensure Fiscal Solvency for New Business Development Program. (Councilor Ferris)
12. (2014-B025) RESOLVE, Authorize Grant Applications for New Business Development Program. (Councilor Vachon)

D. Monthly Reports. (Councilor Vachon)

E. Nominations, Appointments, Elections.

1. (2014-A069) ORDER, Reappoint Benjamin Breadmore as Health Officer of the City of Brewer and Stewart Brooks as Alternate Health Officer of the City of Brewer. (Councilor Uhlenhake)
2. (2014-A070) ORDER, Appoint Members to Ad Hoc Housing Committee. (Councilors O'Connell and Vachon)
3. (2014-A071) ORDER, Issue Warrant for June 10, 2014 City of Brewer School Budget Approval Election and Set Polling Hours for June 10, 2014 City of Brewer School Budget Approval Election and State of Maine Primary Election. (Councilor Ferris)
4. (2014-B026) RESOLVE, Prescribe Registrar of Voters Hourly Schedule for the June 10, 2014 City of Brewer School Budget Approval Election and State of Maine Primary Election. (Councilor Vachon)

F. Unfinished Business.

1. (2014-C002) Amend Chapter 24 (Land Use Code), Article 3, Zoning Districts Section 306.1 and Section 306.2 to Add the “Adaptive Residential Multi-Unit District”. (Councilor Ferris)(posted 4/2/14)

G. New Business.

1. (2014-C003) Amend Chapter 16 (Building Code), Section 114.1 Building Permit Fee Schedules (A, B, C and D) of the City of Brewer Charter, Codes and Ordinances. (Councilor Uhlenhake)
2. (2014-C004) Amend Chapter 17 (Electrical Code), Article 3, Permits, Section 303, Schedule of Permit Fees, of the City of Brewer Charter, Codes and Ordinances. (Councilor O’Connell)
3. (2014-C005) Amend Chapter 18 (Plumbing Code), Article 3, Permits, Section 303, Permit Fee, Subsection 303.1 of the City of Brewer Charter, Codes and Ordinances. (Councilor Ferris)
4. (2014-C006) Amend Chapter 28 (Brewer Sign Ordinance), Article 4, Permit Procedure, by Adding Section 4.4, Fee, and by Removing the Code Enforcement Department Fee Schedule at the End of the Chapter 28 of the City of Brewer Charter, Codes and Ordinances. (Councilor Vachon)
5. (2014-C007) Amend Chapter 29 (Code Enforcement Department) of the City of Brewer Charter, Codes and Ordinances by Complete Substitution of the Chapter. (Councilor Uhlenhake)
6. (2014-C008) Amend Chapter 31 (Sewer and Pretreatment Ordinance), Article 4, Building Sewers, Connections and Extensions, Section 402, Application Fee Required and Article 7, Hauled Wastewater, Sections 702 (Discharge Fees), 703 (Discharge Requirements) and 704 (Discharge Procedure) of the City of Brewer Charter, Codes and Ordinances. (Councilor O’Connell)
7. (2014-C009) Amend Chapter 41 (Engineering Department), Article 2, City Engineer, Section 203, Other Duties, by adding Subsection 203.11 of the City of Brewer, Charter, Codes and Ordinances. (Councilor Ferris)

H. New Items with Leave of Council.

I. ADJOURN.

A. Minutes of April 1, 2014 Regular Meeting.

ACTION: Councilor O’Connell moved that the minutes be accepted and placed on file. The motion was seconded and passed by unanimous vote.

B. Awards, Petitions and Public Comments .

2014-B019

May 20, 2014

TITLE: RESOLUTION OF RESPECT FOR RALPH MARDEN DUNBAR.

filed May 14, 2014
by Joseph Ferris

WHEREAS, on the 25th day of February, 2014, death brought to a close the full and active life of Ralph Marden Dunbar of Ellsworth and Brewer; and

WHEREAS, Ralph Marden Dunbar was a graduate of Ellsworth High School and the University of Maine with a degree in Civil Engineering; and

WHEREAS, Ralph was a devoted husband, father, grandfather, and great-grandfather, and life-time member of the Masons and a past member of the First Congregational Church of Brewer for many years where he served as a Trustee and Deacon of the church; and

WHEREAS, Ralph was a Veteran of World War II, serving as a machine gun section leader with the 78th Infantry Division. He was wounded in Germany and was awarded the purple heart; and

WHEREAS, Ralph's favorite pastimes were relaxing at Georges Pond, flying his plane, playing golf, skiing and snowmobiling ;

NOW, THEREFORE BE IT RESOLVED, that the Brewer City Council does by this resolution and public pronouncement, recognize the positive influence of Ralph Marden Dunbar on the well-being and development of the community in which he worked, worshipped, and earned the deep respect of all who knew him; and

FURTHER, RESOLVED, that this resolution be spread upon the permanent records of the City of Brewer and that copies thereof be distributed to members of his family in testimony to the high esteem held for Ralph Marden Dunbar by the citizens and officials of the City of Brewer, Maine.

ACTION: Councilor Ferris moved that the resolve be adopted. The motion was seconded and passed.

Councilor Ferris read the resolve into the record while presenting a plaque with the resolve on it to Ralph's son Mike Dunbar.

Mike Dunbar thanked the City Council for the recognition of his father.

The resolve was adopted by unanimous vote.

2014-B020

May 20, 2014

TITLE: RESOLUTION OF RESPECT FOR LOUISE EMILY WHITNEY BRIGGS.

filed May 14, 2014
by Joseph Ferris

WHEREAS, on the 11th day of April, 2014, death brought to a close the full and active life of Louise Emily Whitney Briggs of Brewer and Bangor; and

WHEREAS, Louise grew up in Lincoln and helped with her family's business, Whitney Energy; and

WHEREAS, Louise was a devoted wife, mother, grandmother, and great-grandmother, and took an active role in her children's activities and served on numerous committees at All Souls Congregational Church. She and her husband, Allison Briggs, received the Mandatum Dignitatis Recognition Award for service to Church and Community in 2006 ; and

WHEREAS, Louise was known for her delicious desserts, her irresistible cookies and sweets, her genuine warm embrace and her sandwiches and Jungle Juice at the many memorable family and friends picnics she and Allison attended over the years;

NOW, THEREFORE BE IT RESOLVED, that the Brewer City Council does by this resolution and public pronouncement, recognize the positive influence of Louise Emily Whitney Briggs, the well-being and development of the community in which she lived, worshipped, and earned the deep respect of all who knew her; and

FURTHER, RESOLVED, that this resolution be spread upon the permanent records of the City of Brewer and that copies thereof be distributed to members of her family in testimony to the high esteem held for Louise Emily Whitney Briggs by the citizens and officials of the City of Brewer, Maine.

ACTION: Councilor Ferris moved that the resolve be adopted. The motion was seconded and passed.

Councilor Ferris read the resolve into the record while presenting a plaque with the resolve on it to Allison Briggs along with copies of the resolve for the children.

Councilor Ferris recalled visits to the Briggs' home for parties and other activities. He said they were nice people, nice family.

Mr. Briggs and his son Daryl thanked the Council for recognition of Louise.

Mayor Goss said great cities are made of great people and that thoughts and prayers were with the Briggs' family.

The resolve was adopted by unanimous vote.

2014-B021

May 20, 2014

TITLE: RESOLVE, RECOGNIZE NICK TURNER FOR EARNING THE RANK OF EAGLE SCOUT.

filed May 14, 2014
by Jerry Goss

WHEREAS, Nick Turner, a member of Boy Scout Troop 1, recently completed all of the requirements to earn the rank of Eagle Scout, the Boy Scouts of America's highest award; and

WHEREAS, at a Boy Scouts of America Court of Honor held on Saturday, April 19, 2014, Nick Turner was officially awarded the rank of Eagle Scout; and

WHEREAS, as part of the required Service Project for the Eagle Scout Award, Nick created a Music Recognition Board at the Brewer Community School; and

WHEREAS, it is the sense of the Brewer City Council that Nick's estimated 110 man hours to create the Music Recognition Board for the Brewer Community School is a great achievement;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of Brewer, herewith extends its congratulations to Nick Turner for earning the rank of Eagle Scout and recognizes and appreciates his outstanding community project.

ACTION: Councilor Vachon moved that the resolve be adopted. The motion was seconded and passed.

Councilor Vachon read the resolve into the record while presenting it to Nick.

The resolve was adopted by unanimous vote.

2014-B022

May 20, 2014

TITLE: RESOLVE, RECOGNIZE STEVEN LOFTIN FOR EARNING THE RANK OF EAGLE SCOUT.

filed May 14, 2014
by Jerry Goss

WHEREAS, Steven Loftin, a member of Boy Scout Troop 1, recently completed all of the requirements to earn the rank of Eagle Scout, the Boy Scouts of America's highest award; and

WHEREAS, at a Boy Scouts of America Court of Honor held on Saturday, April 19, 2014, Steven Loftin was officially awarded the rank of Eagle Scout; and

WHEREAS, as part of the required Service Project for the Eagle Scout Award, Steven repainted the Brewer pool house and built benches at the Brewer Auditorium; and

WHEREAS, it is the sense of the Brewer City Council that Steven's estimated 114 man hours to do this project at the Brewer Auditorium is a great achievement;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of Brewer, herewith extends its congratulations to Steven Loftin for earning the rank of Eagle Scout and recognizes and appreciates his outstanding community project.

ACTION: Councilor O'Connell moved that the resolve be adopted. The motion was seconded and passed.

Councilor O'Connell read the resolve into the record while presenting it to Nick.

The resolve was adopted by unanimous vote.

Councilor O'Connell addressed both Nick and Steven telling that them that the achievement of earning the rank of Eagle Scout can never be taken away.

Mayor Goss said that Nick and Steven's days of helping others have just began.

RECOGNITION : JOSEPH FERRIS' INDUCTION IN THE MAINE SPORTS HALL OF FAME.

Mayor Goss explained that at a recent meeting Council Ferris was honored with a resolve recognizing his induction in the Maine Sports Hall of Fame. He said he would like to read this again for the audience.

Mayor Goss said that he, Councilors O’Connell and Vachon and City Manager Steve Bost attended the ceremony for the induction in Portland.

Mayor Goss said that one thing about Joe Ferris was that he has never forgotten the city from which he came.

Mayor Goss presented Councilor Ferris with the article, which had been framed, that appeared in the Portland Press Herald covering the ceremony for the induction.

Councilor Ferris said he would have never thought to have the article framed and he was very pleased to receive this. He said that he had attended a reunion of his baseball team and that there were 17 teammates there. He thanked the Council members and City Manager Bost for their thoughtfulness.

PUBLIC COMMENTS.

Leanne Hewey, Vacationland Inn, wanted to thank the city for their support during their renovations and share Vacationland Inn’s new map featuring Maine Adventures (registered Maine guide trips).

Mayor Goss said that the Inn has been transformed beyond belief.

IV. Recess for Public Hearings.

1. Application of Thomas Shanos, High Tide Restaurant, LLC d/b/a High Tide Restaurant, 5 South Main Street for a State of Maine Class I, II, III and IV (malt, spirituous and vinous) Liquor License.

The public hearing was called to order by Mayor Jerry Goss.

The city clerk called the roll:

Mayor Goss	-	present	Councilor Vachon	-	present
Councilor O’Connell	-	present	Councilor Ferris	-	present
Councilor Uhlenhake	-	present			

Mayor Goss declared a quorum present. The City Clerk read the notice for the public hearing.

**CITY OF BREWER
PUBLIC NOTICE**

Notice is hereby given that the Brewer City Council will hold a public hearing on Tuesday, the 20th day of May, 2014 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider the application for a State of Maine Class I, II, III and IV (malt, spirituous and vinous) liquor license for the following applicant:

1. Thomas Shanos, High Tide Restaurant, LLC d/b/a High Tide Restaurant, 5 South Main Street.

This application is available for public inspection at the office of the **Brewer City Clerk (989-7050)** and this notice is posted on the bulletin board at Brewer City Hall.

Any person may attend this public hearing and speak on this application. Written comments may also be submitted. The deadline for submission of written comments is 4:00 p.m. on the date of the hearing. Written comments should be addressed to Brewer City Council, c/o City Clerk, 80 No. Main Street, Brewer, Maine 04412.

Pamela J. Ryan
City Clerk

published May 12, 13, and 14, 2014
in the Bangor Daily News

The City Clerk told the members of the City Council that the city inspectors had conducted an inspection on the applicant listed above.

The city inspectors approved the application for a State of Maine liquor license for High Tide Restaurant.

Councilor Vachon moved that the reports from the city inspectors be accepted and placed on file.

The motion was passed by unanimous vote.

Mayor Goss asked if there had been any comments from the public. The City Clerk said there had been none.

Mayor Goss asked if there were any comments from the public present at the hearing.

Christy Hall, new general manager, for the High Tide Restaurant just wanted to say thank you and that there is a complete renovation going on inside. Hope to be opened the last week in June.

Councilor Ferris wanted to know if the sprinkler system had been installed downstairs. The answer was yes.

Councilor O'Connell wanted to know since there was going to be a bar on the deck if it the deck would be covered. The area where the bar is will be.

Mayor Goss adjourned the public hearing. (6:30 p.m.)

Mayor Goss called the second public hearing to order. The City Clerk read the notice.

**CITY OF BREWER
PUBLIC NOTICE**

Notice is hereby given that the Brewer City Council will hold an informational public hearing on the FY2015 City and School Budget on Tuesday, May 20, 2014 at 6:00 p.m. in the Council Chambers at Brewer City Hall, 80 No. Main Street, Brewer, Maine. The budget will be available for review at the City Clerk's Office and the Brewer Public Library by May 16, 2014.

Any person may attend this informational hearing and speak on this matter. Written comments may also be submitted. The deadline for submission of written comments is 4:00 p.m. on the date of the meeting. Written comments should be addressed to Brewer City Council, c/o City Clerk, 80 North Main Street, Brewer, Maine 04412.

Pamela J. Ryan
City Clerk

Published May 12, 2014

The following is the City Manager's letter to the Council read by City Manager Stephen Bost:

(see attached)

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Superintendent McIntire read the following:

(see attached)

V. Adjourn Public Hearing and Continue with Regular Meeting

Public Hearing adjourned at 7:02 p.m.

The city clerk called the roll and all members of the Council were present.

Mayor Goss said the regular meeting would resume.

C. Consent Calendar.

ACTION: Councilor Ferris removed resolve 2014-B024 and Councilor Uhlenhake removed Resolve 2014-B025.

Councilor Vachon moved that the remaining orders on the consent calendar have passage and the resolve be adopted. The motion was seconded and passed by unanimous vote.

2014-A060

May 20, 2014

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PARKS
AND RECREATION DEPARTMENT FOR SPECIAL
EVENTS.

filed May 14, 2014
by Joseph Ferris

WHEREAS, the City of Brewer has received a donation of \$210.00 from the Kiwanis Club of Brewer for the Brewer Parks and Recreation Department's Special Events; and

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this donation and directs that the donated funds be receipted in the Brewer Parks and Recreation budget account 0107123 300325 (Special Events Revenue); and

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of these funds from budget account 0117121 506150 (Recreation Special Events).

NOTE: The Brewer Parks and Recreation Director sends a letter of acknowledgement and appreciation on behalf of the City Council to all those that donate to these programs.

2014-A061

May 20, 2014

TITLE: ORDER, APPROVE AMENDMENT TO FRATERNAL ORDER OF EAGLES #3177 STATE OF MAINE LIQUOR LICENSE TO PERMIT PATRONS TO CONSUME ALCOHOL OUTSIDE THE BUILDING ON THE FENCED-IN LAWN PORTION OF THE PROPERTY WHERE OUTDOOR GAMES ARE PLAYED (SUCH AS HORSESHOES ETC.).

filed April 2May 14, 2014
by Matthew Vachon

WHEREAS, Fraternal Order of Eagles #3177d/b/a Brewer Eagles Club, currently holds a license from the State of Maine, Department of Public Safety, Liquor Licensing and Inspection Division, to serve alcohol at its establishment at 22 Atlantic Avenue; and

WHEREAS, that license stipulates where on the premises alcohol may be served; and

WHEREAS, a sketch of a of the area beyond the garage and parking lot where lawn games are played – such a horseshoes etc. has been submitted for Council review at 22 Atlantic Avenue; and

WHEREAS, the licensee has requested that its State of Maine Liquor license be amended to include this proposed area as an area where alcohol can be served; and

WHEREAS, approval of the City Council is required before the State can amend the license as requested; and

WHEREAS, City officials have reviewed this request and do not object to the license amendment as requested;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith approves the request of the Fraternal Order of Eagles #3177 d/b/a Brewer Eagles Club for an amendment to its current State liquor license to allow alcohol to be served on the proposed area beyond the garage and the parking area at 22 Atlantic Avenue.

2014-A062

May 20, 2014

TITLE: ORDER, ACCEPT FUNDS IN A FORFEITURE RESULTING FROM A RECENT COURT CASE THAT THE BREWER POLICE MADE A SUBSTANTIAL CONTRIBUTION IN THE SUCCESSFUL PROSECUTION OF.

filed May 14, 2014
by Beverly Uhlenhake

WHEREAS, as a result of an investigation conducted by the Brewer Police Department, a sum of money was seized and forfeited by a defendant involved in the investigation; and

WHEREAS, this sum of money was offered to the City of Brewer in recognition of the valuable assistance of the Brewer Police Department in the successful completion of the investigation; and

WHEREAS, under Maine Law, Title 15 M.R.S.A., § 5824 (3) the City Council must take a public vote before any forfeited assets or money can be transferred to the City;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, Maine, by vote of its City Council, does herewith approve the transfer of the following sum of money forfeited as a result of the recent criminal investigation cited:

Docket Number	Sum
CR-2013-888	\$882.00

AND, FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to sign a memorandum to accept these forfeited funds on the behalf of the City of Brewer; and

FURTHER ORDERED, that these funds be deposited into the State Asset Forfeiture Receipt Account 0200101-320000 and that expenditures be hereby authorized from the appropriate State Asset Forfeiture Expense Account within this Org (0200101).

2014-A063

May 20, 2014

TITLE: ORDER, DECLARE CITY PROPERTY SURPLUS AND AUTHORIZE SALE OF SURPLUS PROPERTY.

filed May 14, 2014
by Kevin O'Connell

WHEREAS, property belonging to the City of Brewer has been identified as being no longer useful to the City;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council declares an excavator bucket off the old John Deere excavator, no longer owned by the City; a 1978 dump trailer; and a 1989 Fontaine stainless steel, slide-in sander, surplus equipment; and

BE IT FURTHER ORDERED, that the proceeds from the sale of these items be deposited into account 0500100-300412 (Sale of Assets and be used to help fund capital improvement program purchases; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sell and finalize all sales of said surplus property by means that would be in the best interest of the City of Brewer.

2014-A064

May 20, 2014

TITLE: ORDER, AUTHORIZE THE REFINANCING OF CITY'S EXISTING WASTEWATER BOND AND THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION REFUNDING BONDS AND A TAX LEVY THEREFOR.

filed May 14, 2014
by Joseph Ferris

WHEREAS, the City of Brewer previously issued its \$1,775,000 2012 General Obligation Wastewater Bond dated January 25, 2012 to provide financing for the City's wastewater system, including but not limited to replacement of the bulkhead at the Wastewater Treatment Plant (the "Prior Bonds"); and

WHEREAS, due to the availability of a reduced interest rate through the State of Maine Clean Water State Revolving Fund, the City desires to refund and refinance the Prior Bonds through issuance of its general obligation refunding bonds;

NOW, THEREFORE, BY THE CITY COUNCIL OF THE CITY OF BREWER, BE IT HEREBY ORDERED:

THAT pursuant to 30 A M.R.S.A. §5772 and all other authority thereto enabling, there is hereby authorized the issue and sale at one time and from time to time up to One Million Six Hundred Ninety-five Thousand Dollars (\$1,695,000) aggregate principal amount of general obligation bonds of the City of Brewer. The proceeds derived from the sale of said bonds, including premium, if any, may be used and are hereby appropriated to refund the Prior Bonds including to pay redemption premium thereon, if any, and issuance costs with respect thereto.

THAT the date, maturities (not to exceed the maximum term permitted by law), denominations, interest rate or rates, place of payment, and other details of said bonds, including the timing and provision for their sale and award shall be determined by the City Treasurer/ Finance Director.

THAT the bonds hereby authorized may be made subject to call for redemption, with or without a premium, before the date fixed for final payment of the bonds, as provided in 30-A M.R.S.A. §5772(6), as amended, as shall be determined by the City Treasurer/ Finance Director.

THAT said bonds shall be signed by the City Treasurer/ Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk, and that said bonds shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof. Any issue of bonds may be consolidated with and issued at the same time as any other issue of bonds authorized prior to their issuance, and the bonds may be divided into multiple series and issued in separate plans of financing.

THAT the City Treasurer/ Finance Director and Chair of the City Council are authorized, in the name of and on behalf of the City, to enter into a loan agreement with the Bond Bank in conjunction with the issuance of the bonds, in the aggregate principal amount not to exceed \$1,695,000, with a term not to exceed the term of the bonds, said loan agreement to be in the usual and ordinary form utilized by the Bond Bank in connection with the State Revolving Loan Fund (or such other fund or program administered by the Bond Bank and for which the Project is eligible) which is hereby approved, and to contain such other terms and provisions, not contrary to the general tenor hereof, as the City Treasurer/ Finance Director and Chair of the City Council may approve, their approval to be conclusively evidenced by the execution thereof.

THAT in each of the years during which any of the bonds are outstanding, there shall be levied a tax in an amount that, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said bonds, payable in such years, and the principal of such bonds maturing in such years.

THAT the bonds shall be transferable only on the registration books of the City kept by the transfer agent, and said principal amount of the bonds of the same maturity (but not of other maturity), upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his or her attorney duly authorized in writing.

THAT the City Treasurer/ Finance Director and Chair of the City Council from time to time shall execute such bonds as may be required to provide for exchanges or transfers of bonds as heretofore authorized, all such bonds to bear the original signature of the City Treasurer/ Finance Director and Chair of the City Council, and in case any officer of the City whose signature appears on any bond shall cease to be such officer before the delivery of said bond, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof.

THAT upon each exchange or transfer of bonds, the City and transfer agent shall make a charge sufficient to cover any tax, fee, or other governmental charge required to be paid with respect to such transfer or exchange, and subsequent to the first exchange or transfer, the cost of which shall be borne by the City, the cost of preparing new bonds upon exchanges or transfers thereof shall be paid by the person requesting the same.

THAT in lieu of physical certificates of the bonds hereinbefore authorized, the City Treasurer/ Finance Director be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such bonds in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraphs regarding physical transfer of bonds, and the City Treasurer/ Finance Director be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in her opinion, appropriate in order to qualify the bonds for and participate in the Depository Trust Company Book-Entry Only System.

THAT the officers executing the bonds be and hereby are individually authorized to covenant, certify, and agree, on behalf of the City, for the benefit of the holders of such bonds, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by Rule 15c2 12 of the Securities and Exchange Commission, if applicable, are met.

THAT the investment earnings on the proceeds of the bonds, if any, and the excess proceeds of the bonds (including premium), if any, be and hereby are appropriated for the following purposes:

- To any costs, including premium and interest costs, incurred to refund the Prior Bonds;
- To pay debt service on the bonds.

THAT the City Treasurer/ Finance Director, Chair of the City Council, Clerk, and other proper officials of the City be, and hereby are, authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, and to execute, deliver, file, approve, and record all such financing documents, contracts, agreements, assignments, certificates, refunding escrow agreements, and other documents as may be necessary or advisable, with the advice of counsel for the City, to carry out the provisions of this Order in connection with the refinancing of the Prior Bonds, the issuance, execution, sale, and delivery by the City of the bonds and the execution and delivery of the documents, as may be necessary or desirable, including the entering into of a loan agreement with the Bond Bank.

THAT if the City Treasurer/ Finance Director, Chair of the City Council, or Clerk are for any reason unavailable to approve and execute the bonds or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

THAT if any of the officers or officials of the City who have signed or sealed the bonds hereinbefore authorized shall cease to be such officers or officials before the bonds so signed and sealed shall have been actually authenticated or delivered by the City, such bonds nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds had not ceased to be such officer or official; and also any such bonds may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such bonds, shall be the proper officers and officials of the City, although at the nominal date of such bonds any such person shall not have been such officer or official.

THAT the following resolutions required by Section C(4)(e) of the State of Maine Revolving Loan Fund Rules, Chapter 595, Department of Environmental Protection and Maine Municipal Bond Bank (the "SRF Regulations"), and governing the loan to be made to the City under the State Revolving Loan Fund Program be and hereby are adopted:

- That a Project Account shall be created for the Project which shall be separate from all other accounts of the City. If operating revenues are to be used to retire the debt, a sub-account will be established.
- That the Project Account shall be maintained in accordance with standards set forth by the Maine Municipal Bond Bank and in accordance with generally accepted government account standards.
- That a final accounting shall be made to the Bond Bank of the total cost of the project upon completion of the Project performance certification as set out in Section G(3) of the SRF Regulations and the City acknowledges that the Bond Bank reserves the right at its sole discretion to be provided with a cost certification of the Project as built.
- That an annual audit of the City, prepared by a certified public accountant or licensed public accountant be provided to the Bond Bank for the term of the loan.
- That the City shall maintain insurance coverage on the Project in an amount adequate to protect the Bond Bank's interest for the term of the loan with the Bond Bank named as loss payee.
- That the City will comply with any special conditions specified by the Department of Environmental Protection's environmental determination until all financial obligations to the State have been discharged.
- That the City certify to the Bond Bank that it has secured all permits, licenses and approvals necessary and that it has a dedicated source of revenue for repayment.
- That the City establish a rate, charge or assessment schedule in order to pay principal and interest. Such rate change or schedule shall provide total operations and debt service coverage at a level at which the coverage for the Bond Bank is sufficient.
- That the City demonstrate the ability to pay reasonably anticipated costs of operating and maintaining the financed Project.
- That the City abide by the SRF Regulations, as revised and amended and relevant State statutes of the State of Maine.

City Council Minutes
May 20, 2014

THAT during the term any of the bonds are outstanding, the City Treasurer/ Finance Director is hereby authorized, in the name and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the bonds then outstanding, and to determine the date, form, interest rate, maturities (not to exceed 30 years from the date of issuance of the original bonds) and all other details of such refunding bonds, including the form and manner of their sale and award. The City Treasurer/ Finance Director is hereby further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the City Treasurer/ Finance Director, countersigned by the Chair of the City Council, sealed with the seal of the City, attested by its Clerk.

2014-A065

May 20, 2014

TITLE: ORDER, EXTEND CONTRACT FOR AUDIT SERVICES.

filed May 14, 2014
by Matthew Vachon

WHEREAS, in FY2011, after a formal request for proposal process, the City Council awarded a 3 year contract for audit services to low bidder Runyon Kersteen Ouellette (RKO) of South Portland, Maine; and

WHEREAS, that contract expired with the completion of the FY2013 audit in February 2014; and

WHEREAS, upon request, RKO has provided the City with a proposal for extension of that contract for an additional two years; and

WHEREAS, the price of \$40,600 for the FY2014 audit and \$41,750 for the FY2015 audit represent increases of 2.8% over the prior year and are substantially lower than the next highest bid we received in FY2011; and

WHEREAS, the City has been satisfied with the competent and professional manner of the RKO staff and the quality and completeness of its audit reports;

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council hereby authorizes the extension of the contract with Runyon Kersteen Ouellette to include audit services for fiscal years ending June 30, 2014 and June 30, 2015; and

BE IT FURTHER ORDERED, that the Council authorizes the City Manager, or his designee, to execute any and all necessary documents to secure this extension; and

FURTHER ORDERED, that upon the expiration of the extension, the City shall conduct a formal request for proposals for audit services.

2014-A066

May 20, 2014

TITLE: ORDER, AUTHORIZE A CONFIRMATORY QUITCLAIM DEED
TO BREWER REDEVELOPMENT, LLC.

filed May 14, 2014
by Beverly Uhlenhake

WHEREAS, the City conveyed property to Brewer Redevelopment, LLC by Municipal Quitclaim Deed dated August 8, 2012, recorded in the Penobscot County Registry of Deeds in Volume 12983, Page 274; and

WHEREAS, the City received a seven foot (7') strip of land; and

WHEREAS, the City discontinued a portion of Center Street and Somerset Street pursuant to Title 23 M.R.S.A. § 3026, *et seq.*, pursuant to City Council Order 2013-A143 which is recorded in the Penobscot County Registry of Deeds in Volume 13342, Page 237; and

WHEREAS, the City wants to convey the seven foot (7') strip it reserved in the conveyance to Brewer Redevelopment, LLC and release any right, title and interest it may have had to the discontinued portions of Center Street and Somerset Street;

NOW, THEREFORE, based upon all of the foregoing, it is ORDERED that the Brewer City Council hereby authorize the issuance of a Confirmatory Municipal Quitclaim Deed to Brewer Redevelopment, LLC to convey the seven foot (7') strip reserved in the Deed to Brewer Redevelopment, LLC recorded in the Penobscot County Registry of Deeds in Volume 12983, Page 274, and its right, title and interest to those portions of Somerset Street and Center Street pursuant to City Council Order 2013-A143, which is recorded in the Penobscot County Registry of Deeds in Volume 13342, Page 237. A copy of the Confirmatory Municipal Quitclaim Deed is attached hereto and made a part hereof; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, be authorized to take any and all actions and to sign any and all documents to carry out this City Council Order.

2014-A067

May 20, 2014

TITLE: ORDER, ACCEPT A PARCEL DONATED BY BREWER REDEVELOPMENT, LLC AND DEDICATE IT AS AN EXTENSION TO THE PUBLIC WAY KNOWN AS CENTER STREET.

filed May 14, 2014
by Kevin O'Connell

WHEREAS, Brewer Redevelopment, LLC wishes to amend the Center Street Subdivision Plan to accommodate the sale of the former State Street School property to a developer and to allow the construction of a City-owned parking lot which will meet the needs of several adjacent properties; and

WHEREAS, it is necessary to slightly extend the existing Center Street right of way in order to provide the necessary road frontage for the proposed lots; and

WHEREAS, all of the prerequisites of Title 23 M.R.S.A. section 3025 have been met; and

WHEREAS, the Brewer City Council supports the proposed amendment to the subdivision and acceptance of the proposed extension of Center Street;

NOW, BE IT ORDERED, that the Brewer City Council herewith accepts from Brewer Redevelopment, LLC conveyance of the parcel described in Exhibits A and B (attached) and dedicates it for highway purpose pursuant to Title 23 M.R.S.A. section 3025; and

BE IT FURTHER ORDERED, that the City Clerk shall record a copy of this Order in the Penobscot County Registry of Deeds.

2014-A068

May 20, 2014

TITLE: ORDER, ACCEPT TUITION REIMBURSEMENT FUNDS FOR JULY POLICE MACTAC SCHOOL.

filed May 14, 2014
by Matthew Vachon

WHEREAS, the Brewer Police Department is hosting a five day police school entitled "MACTAC" (Multi-Assault Counter-Terrorism Action Capabilities) July 21, 2014 to July 25, 2014 which is instructed by the NTOA (National Tactical Officers Association); and

WHEREAS, MACTAC is a train-the-trainer course to develop officers' basic skills in Multi-Assault, Counter Terrorism Action Capabilities to a proficient level that will enable the officer to immediately deploy a contact team or squad to be able to locate, close with and neutralize violent assaults and/or terrorist acts. MACTAC is a practical exercise-intensive training course requiring 1 instructor for every 5 students. MACTAC is an expansion of immediate Action/Rapid Deployment (IARD) tactics used in responding to active shooter events, and provides officers with additional tactics to use during incidents that involved multiple locations, multiple shooters, and/or open air areas. This training expands the traditional patrol response to single events through the creation of dynamic squads with specific cross-training to effect assault, support, rescue, and force protection missions. The greatest impact of MACTAC is that it allows prompt, cooperative training and response among multiple agencies. MACTAC concepts emphasize the importance of leadership, decision making and communication within the first thirty (30) minutes of a critical incident; and

WHEREAS, the Brewer Police Department recognizes the need for preparedness for critical incidents that may occur in Brewer and will meet this challenge by investing in training for all officers of the Brewer Police Department; and

WHEREAS, the Maine Emergency Management Agency (MEMA), has awarded nine thousand dollars (\$9,000.00), to pay for the tuition for Maine municipal police officers to attend the MACTAC training. MEMA has awarded this tuition reimbursement grant to help facilitate this training and to develop a core group of Maine police officers who will instruct MACTAC training to Maine law enforcement officers for critical incident preparedness; and

WHEREAS, of the awarded nine thousand dollars (\$9,000.00), MEMA is paying the tuition for three (3) Brewer Police Officers to attend the MACTAC training in July. The remaining fund balance is designated to be used for other Maine municipal police agencies to send officers to this train-the-trainer course with the commitment of having those officers attending to teach future MACTAC trainings in Maine. The tuition grant reimbursements are awarded based on the submission date with preference given to officers who are currently serving as trainers in firearms, active shooter, interactive use of force, and/or tactical deployment; and

WHEREAS, MEMA has requested that the Brewer Police Department administer tuition grant reimbursements for the MACTAC school; and

WHEREAS, MEMA is sending the City of Brewer, care of the Brewer Police Department, a check for nine thousand dollars (\$9,000.00) for MACTAC Registration Fees.

WHEREAS, the Brewer Police Department will pay the tuition for the awarded MACTAC tuition scholarships to the National Tactical Officers Association (NTOA);

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, Maine, by vote of its City Council, does herewith approve the acceptance of this tuition reimbursement money to the City of Brewer to be deposited in the account "MEMA Active Shooter Tuition Grant Revenue", 0600058-360000-58027 for revenue; and

AND, FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to pay tuition invoices to the NTOA for the awarded recipients of the tuition grant reimbursement for amounts not to exceed the \$9,0000.00 (nine thousand dollars) awarded by MEMA, to be paid out of the account "MEMA Active Shooter Tuition Grant Expense", for 0600058-560000-58027 expenses.

2014-B023

May 20, 2014

TITLE: RESOLVE, APPROVE STATE OF MAINE CLASS I, II, III AND IV LIQUOR LICENSE APPLICATION OF THOMAS SHANOS, HIGH TIDE RESTAURANT, LLC D/B/A HIGH TIDE RESTAURANT, 5 SOUTH MAIN STREET.

filed May 14, 2014
by Kevin O'Connell

WHEREAS, Thomas Shanos, High Tide Restaurant, LLC d/b/a High Tide Restaurant, 5 South Main Street has applied to the State of Maine, Bureau of Liquor Enforcement, for a Restaurant Class I, II, II, and IV (malt, spirituous and vinous) liquor license; and

WHEREAS, the Brewer City officials have reviewed this application and done background checks on the applicant and have submitted recommendations to the City Council on this application; and

WHEREAS, after considering their recommendations the City Council finds as follows:

1. The applicants have not been convicted of any Class A, Class B, or Class C crime;
2. The licensed premises and its use are in compliance with all local zoning ordinances and other land use ordinances not directly related to liquor control;
3. There is no record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by person patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises which unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;
4. There is no record of repeated incidents of record of breaches of peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; and
5. There is no record of the applicants having a violation of any provisions of Title 28-A, M.R.S.A. (Liquor Laws).

6. A determination by the municipal officers or county commissioners that the purpose of the application is not to circumvent the provisions of Section 601.

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council approves the application of Thomas Shanos, High Tide Restaurant, LLC d/b/a, High Tide Restaurant, 5 South Main Street, for a State of Maine, Bureau of Liquor Enforcement, for a Restaurant Class I, II, III and IV (malt, spirituous and vinous) liquor license.

2014-B024

May 20, 2014

TITLE: RESOLVE, AUTHORIZE THE USE OF TIF FUNDS TO ENSURE
FISCAL SOLVENCY FOR NEW BUSINESS
DEVELOPMENT PROGRAM.

filed May 14, 2014
by Joseph Ferris

WHEREAS, the Economic Development Department has created a draft plan to create a new Business Development program designed to provide an expanded amount of resources for local businesses; and

WHEREAS, in order to fund this new program the Economic Development Department is seeking federal funding from the Northern Border Regional Commission and United States Department of Agriculture, Rural Development; and

WHEREAS, the Economic Development Department recognizes the need to provide a local match of cash, in-kind services, or a combination of either in an amount not to exceed \$100,000.00; and

WHEREAS, the Economic Development Department desires to ensure that it can meet this local match requirement;

NOW, THEREFORE, BE IT RESOLVED, that the City Council authorizes the use of TIF special revenue funds, up to \$100,000.00, to ensure there is sufficient resources available to meet any local match requirements for grants obtained to support the new Business Development program.

ACTION: Councilor Ferris moved that the resolve be adopted. The motion was seconded and passed.

Councilor Ferris said that he just wanted Economic Planning Director D'arcy Main-Boyington to tell the Council a little about the program.

The resolve was adopted by unanimous vote.

2014-B025

May 20, 2014

TITLE: RESOLVE, AUTHORIZE GRANT APPLICATIONS FOR NEW
BUSINESS DEVELOPMENT PROGRAM.

filed May 14, 2014
by Matthew Vachon

WHEREAS, the City of Brewer wishes to apply to the Northern Border Regional Commission for a Business Development grant to carry out a new Economic Development program; and

WHEREAS, the City of Brewer desires to seek funding from United States Department of Agriculture, Rural Development for a Rural Business Enterprise Grant (RBEG) for this new Economic Development program; and

WHEREAS, the Northern Border Regional Commission has made funding up to \$200,000.00, available for qualified business development programs; and

WHEREAS, the USDA Rural Development RBEG program provides funding from \$10,000.00 up to \$500,000.00 for the purpose of benefiting small and emerging private businesses in rural areas; and

WHEREAS, the Brewer Economic Development Department seeks to provide local businesses with expanded resources for the purpose of creating new businesses, or the retention and expansion of existing businesses, as well as allowing for the creation of new jobs or ensuring the retention of existing jobs within the City of Brewer; and

WHEREAS, the City of Brewer Economic Development Department has proposed a program that will meet the funding requirements of the Northern Border Regional Commission and the USDA RBEG programs;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council authorizes the Economic Development Department to seek funding from the Northern Border Commission for funding up to \$200,000.00 for the purposes of creating and administering a new Business Development program; and

BE IT FURTHER RESOLVED, that the Brewer City Council authorizes the Economic Development Department to seek funding from the United States Department of Agriculture, Rural Development RBEG program for funding up to \$100,000.00 for the purposes of creating and administering a new Business Development program.

ACTION: Councilor Vachon moved that the resolve be adopted. The motion was seconded and passed.

Councilor Uhlenhake said that she had removed the resolve from the consent calendar for the same reason Councilor Ferris did the previous resolve.

The resolve was adopted by unanimous vote.

D. Monthly Reports.

ACTION: Councilor Vachon moved that the monthly reports from the city departments be accepted and placed on file. The motion was seconded and passed by unanimous vote.

E. Nominations, Appointments, Elections.

2014-A069

May 20, 2014

TITLE: ORDER, REAPPOINT BENJAMIN BREADMORE AS HEALTH OFFICER OF THE CITY OF BREWER AND STEWART BROOKS AS ALTERNATE HEALTH OFFICER OF THE CITY OF BREWER.

filed May 14, 2014
by Beverly Uhlenhake

ORDERED, that Benjamin Breadmore is herewith reappointed to the position of Local Health Officer for the City of Brewer, term commences June 7, 2014 and expires June 7, 2017; and

FURTHER ORDERED, that Stewart Brooks be reappointed as Alternate Local Health Officer for the City of Brewer.

ACTION: Councilor Uhlenhake moved that the order have passage. The motion was seconded and passed.

The order was passed by unanimous vote.

2014-A070

May 20, 2014

TITLE: ORDER, APPOINT MEMBERS TO AD HOC HOUSING
COMMITTEE.

filed May 14, 2014
by Kevin O'Connell and
Matthew Vachon

WHEREAS, the City of Brewer has applied for a 2014 Community Development Block Grant (CDBG) from the State of Maine for housing rehabilitation projects; and

WHEREAS, the previous Ad Hoc Committee term expired with the completion of the previous grant;

NOW, THEREFORE, BE IT ORDERED, that the City Council appoints the following list of people to serve on the ad hoc committee for the duration of the grant project:

Jane Hinckley	5 Woodridge Road
John "Jack" Cashman	11 Harbor Drive
David Cole	88 Canterbury Road
James Mullen	46 Wintergreen Way
Larry Doughty	15 Goupee Street
Deborah Marsters	76 Rotherdale Road
John Norris	10 Derusha Lane

BE IT FURTHER ORDERED, that the City Clerk is to send thank you letters to all individuals who served on the previous Ad Hoc Housing Committee for their dedicated service and commitment to the Citizens of the City of Brewer.

ACTION: Councilor O'Connell moved that the order have passage. The motion was seconded and passed.

The order was passed by unanimous vote.

2014-A071

May 20, 2014

TITLE: ORDER, ISSUE WARRANT FOR JUNE 10, 2014 CITY OF BREWER
SCHOOL BUDGET APPROVAL ELECTION AND SET
POLLING HOURS FOR JUNE 10, 2014 CITY OF BREWER
SCHOOL BUDGET APPROVAL ELECTION AND STATE
OF MAINE PRIMARY ELECTION.

filed May 14, 2014
by Joseph Ferris

WHEREAS, the City of Brewer School Budget Approval Election and State of Maine Primary Election will be held on Tuesday, June 10, 2014; and

WHEREAS, Title 21-A, M.R.S.A., Section 626(1) provides that the polls must be opened no earlier than 6:00 a.m. and no later than 9:00 a.m. on election day; and

WHEREAS, Title 21-A, M.R.S.A., Section 626(1) further provides that the municipal officers shall determine the time of opening the polls within the time limits of 6:00 a.m. to 9:00 a.m.; and

WHEREAS, a poll opening time of 7:00 a.m. will, in the judgment of the municipal officers, meet the needs of the municipality for the June 10, 2014 election;

NOW, THEREFORE, BE IT ORDERED, that the municipal officers herewith set the time of 7:00 a.m. for opening the polls for the ~~June 12, 2012~~ June 10, 2014 City of Brewer School Budget Approval and State of Maine Primary Election; and

FURTHER ORDERED, that the municipal officers issue a warrant for the City of Brewer School Budget Approval Election to be held on June 10, 2014 with the polls to open at 7:00 a.m. and close at 8:00 p.m.

ACTION: Councilor Ferris moved that the order have passage. The motion was seconded.

Councilor Ferris moved that the order be amended by striking out June 12, 2012 in the fifth paragraph of the order and inserting June 10, 2014. The motion was seconded and passed by unanimous vote.

The order, as amended, was passed by unanimous vote.

**CITY OF BREWER
MUNICIPAL ELECTION**

Penobscot ss.

State of Maine

To: _____, a Constable in the City of Brewer.

You are hereby required in the name of the State of Maine to notify the voters of the City of Brewer of the election described in this warrant.

TO THE VOTERS OF THE CITY OF BREWER
WARD 1, PRECINCTS 1 AND 2

You are hereby notified that the municipal school budget approval election in the municipality will be held at the Brewer Auditorium on Tuesday, the tenth day of June, 2014 for the purpose of affecting the approval of:

Article 1: Do you favor approving the City of Brewer school budget for the upcoming school year that was adopted at the City Council meeting held on June 3, 2014 and that includes locally raised funds that exceed the required local contribution as described in the Essential Programs and Services Funding Act?

The polls shall be opened at 7:00 A.M. and close at 8:00 P.M.

The Registrar of Voters shall hold office hours while the polls are open to correct any error in or change a name or address on the voting list, to accept the registration of any person eligible to vote and to accept new registrations.

A person who is not registered as a voter may not vote in any election.

Dated at Brewer, Maine this 20th day of May in the year of Our Lord, Two Thousand Fourteen.

Majority of the Municipal Officers of Brewer

2014-B026

May 20, 2014

TITLE: RESOLVE, PRESCRIBE REGISTRAR OF VOTERS HOURLY SCHEDULE FOR THE JUNE 10, 2014 CITY OF BREWER SCHOOL BUDGET APPROVAL ELECTION AND STATE OF MAINE PRIMARY ELECTION.

filed May 14, 2014
by Matthew Vachon

WHEREAS, the City of Brewer School Budget Approval Election and State of Maine Primary Election will be held on Tuesday, June 10, 2014; and

WHEREAS, Title 21-A M.R.S.A., Section 122 (6)(A)(2) provides in part, that in a municipality with a population of more than 2,500, the Registrar of Voters shall accept registrations on the last 5 business days before election day, during the hours that the city clerk's office is open (8:00 a.m. – ~~5:00~~ 4:00 p.m.) and for 2 hours in the evening between 5:00 p.m. and 9:00 p.m. on at least 3 of these days; and

WHEREAS, the City of Brewer has a population greater than 2,500 according to the 2010 federal census; and

WHEREAS, Title 21-A M.R.S.A., Section 122 (8) provides that the hourly schedule may be changed by the municipal officers according to the needs of the municipality; and

WHEREAS, the Registrar of Voters suggests that the needs of the municipality are sufficiently met with the 8:00 a.m. to ~~5:00~~ 4:00 p.m. daily schedule and with election day voter registration so that it is not necessary for the Registrar of Voters to hold office hours and accept registrations during evening hours between 5:00 p.m. and 9:00 p.m. on at least 3 of the days during the last 5 business day period prior to the election; and

WHEREAS, the municipal officers concur with this assessment by the Registrar of Voters;

NOW, THEREFORE, BE IT ORDERED, that the municipal officers herewith prescribe the hours of registration as 8:00 a.m. to ~~5:00~~ 4:00 p.m. on the five business days next prior to the City election to be held on June 10, 2014.

ACTION: Councilor Vachon moved that the resolve be adopted. The motion was seconded.

Councilor Vachon moved that the resolve be amended by striking out 4:00 and inserting 5:00 in paragraphs 2, 5 and 7 of the order. The motion was seconded and passed by unanimous vote.

The resolve, as amended, was adopted by unanimous vote.

F. Unfinished Business.

1. (2014-C002) Amend Chapter 24 (Land Use Code), Article 3, Zoning Districts Section 306.1 and Section 306.2 to Add the “Adaptive Residential Multi-Unit District”.

ACTION: Councilor Ferris moved that proposed ordinance amendment be enacted. The motion was seconded and passed by unanimous vote.

G. New Business.

2014-C003

May 20, 2014

TITLE: AMEND CHAPTER 16 (BUILDING CODE), SECTION 114.1, BUILDING PERMIT FEE SCHEDULES (A, B, C AND D) OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES.

filed May 14, 2014
by Beverly Uhlenhake

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 16 (Building Code) of the Charter, Codes and Ordinances of the City of Brewer, Section 114.1, Building Permit Fee Schedules (A, B, C and D) be amended as follows:

~~**SECTION 114.1 BUILDING PERMIT FEE SCHEDULES.** The permit fees for construction of buildings or structures, including swimming pools, and alterations and enlargements of any building or structure, shall be according to the following schedules:~~

~~SCHEDULE A~~

~~New residential construction. (including additions)~~

~~FEE:~~

~~\$5.00 per \$1,000. based on construction costs of \$55.00 per square foot. No maximum fee.~~

~~SCHEDULE B~~

~~Residential remodeling and garages, fences, decks, swimming pools and foundations for manufactured housing:~~

~~FEE:~~

~~\$35.00 minimum plus \$5.00 per \$1,000. of construction cost over \$1,500.~~

~~SCHEDULE C~~

~~New Commercial:~~

~~FEE:~~

~~\$5.00 per 1,000. based on construction costs of \$55.00 per square foot to 10,000 square feet, and \$4.00 per 1,000 from 10,001 to 20,000 square feet, and \$2.00 per 1000 above 20,000 square feet. No maximum fee.~~

~~Commercial – including, but not limited to, remodeling, alternations, fences, concrete slabs, canopies and accessory structures.~~

~~FEE:~~

~~\$50.00 minimum plus \$5.00 per \$1,000. of construction cost over \$1,500. No maximum fee.~~

SCHEDULE D

<u>IMPROVEMENT</u>	<u>FEE</u>
<u>Re-roofing</u>	<u>\$10.00</u>
<u>Re-siding</u>	<u>\$10.00</u>
<u>Replacement windows</u>	<u>\$10.00</u>

SECTION 114.1 BUILDING PERMIT FEE SCHEDULES. Applicable fees for this Chapter are found in the City Council’s adopted Fee Schedule, as amended from time to time, on file in the City Clerk’s Office or on the City of Brewer’s website under the City Clerk’s Department as Schedule of Fees.

ACTION: Councilor Uhlenhake moved that one copy of the proposed ordinance amendment be attested and filed with the City Clerk for posting. The motion was seconded and passed by unanimous vote.

2014-C004

May 20, 2014

TITLE: AMEND CHAPTER 17 (ELECTRICAL CODE), ARTICLE 3, PERMITS, SECTION 303, SCHEDULE OF PERMIT FEES, OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES.

filed May 14, 2014
by Kevin O’Connell

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 17 (Electrical Code) of the Charter, Codes and Ordinances of the City of Brewer, Article 3, Permits, Section 303, Schedule of Permits be amended as follows:

~~**SECTION 303. SCHEDULE OF PERMIT FEES.** The fees for permits required shall be paid to the Code Enforcement Officer, upon application for permits required herein, which fees shall cover the expense of the inspection required by this ordinance. The fees shall be at the following rates:~~

<u>Temporary Service</u>	<u>\$20.00</u>
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Change of Service	\$30.00
Addition To Existing Wiring:	\$30.00
One or two family house	\$50.00
New Multi family Apartment Building	\$50.00 for first two units and \$25.00 each unit after two.
Commercial:	\$50.00 minimum plus ½ of 1% estimated total cost of the job.

SECTION 303. SCHEDULE OF PERMIT FEES. Applicable fees for this Chapter are found in the City Council’s adopted Fee Schedule, as amended from time to time, on file in the City Clerk’s Office or on the City of Brewer’s website under the City Clerk’s Department as Schedule of Fees.

ACTION: Councilor O’Connell moved that one copy of the proposed ordinance amendment be attested and filed with the City Clerk for posting. The motion was seconded and passed by unanimous vote.

2014-C005

May 20, 2014

TITLE: AMEND CHAPTER 18 (PLUMBING CODE), ARTICLE 3, PERMITS, SECTION 303, PERMIT FEE, SUBSECTION 303.1 OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES.

filed May 14, 2014
by Joseph Ferris

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 18 (Plumbing Code) of the Charter, Codes and Ordinances of the City of Brewer, Article 3, Permits, Section 303, Permit Fee, Subsection 303.1 be amended as follows:

SECTION 303. PERMIT FEE.

~~**SECTION 303.1.** All permit fees collected shall be apportioned to the appropriate State agency in accordance with the Maine State Internal Plumbing Code, based on the 2000 Uniform Plumbing Code, Twenty Second Edition, in effect as of September 2005, and the “Maine Subsurface Waste Water Disposal Rules,” in effect as of October 1, 2002 and as the same may be amended from time to time. The remainder of such fees shall be paid to the City Treasurer.~~

SECTION 303.1 Applicable fees for this Chapter are found in the City Council’s adopted Fee Schedule, as amended from time to time, on file in the City Clerk’s Office or on the City of Brewer’s website under the City Clerk’s Department as Schedule of Fees.

ACTION: Councilor Ferris moved that one copy of the proposed ordinance amendment be attested and filed with the City Clerk for posting. The motion was seconded and passed by unanimous vote.

2014-C006

May 20, 2014

TITLE: AMEND CHAPTER 28 (BREWER SIGN ORDINANCE), ARTICLE 4, PERMIT PROCEDURE, BY ADDING SECTION 4.4, FEE AND BY REMOVING THE CODE ENFORCEMENT DEPARTMENT FEE SCHEDULE AT THE END OF CHAPTER 28 OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES.

filed May 14, 2014
by Matthew Vachon

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 28 (Brewer Sign Ordinance) of the Charter, Codes and Ordinances of the City of Brewer, Article 4, Permit Procedure, be amended as follows:

ARTICLE 4 PERMIT PROCEDURE

4.4 Fee. Applicable fees for this Chapter are found in the City Council’s adopted Fee Schedule, as amended from time to time, on file in the City Clerk’s Office or on the City of Brewer’s website under the City Clerk’s Department as Schedule of Fees.

**~~CODE ENFORCEMENT DEPARTMENT
FEE SCHEDULE~~**

~~BUILDING PERMITS~~

~~NEW CONSTRUCTION & REMODEL OF EXISTING:~~

*Minimum permit fee \$45
Maximum permit fee \$25,000*

- ~~○ Finished Space — \$0.20 PER SQUARE FOOT~~
- ~~○ Unfinished Space — \$.10 PER SQUARE FOOT~~

ELECTRICAL PERMITS

~~RESIDENTIAL:~~

- ~~○ Temporary Service: _____ \$20.00~~
- ~~○ Change/Upgrade of Service: _____ \$30.00~~
- ~~○ Addition To Existing Wiring: _____ \$30.00~~
- ~~○ New One & Two Family Dwellings _____ \$50.00~~

~~○ New Multi Family Apartment Buildings: \$50.00 for the first two units
& \$25.00 each unit after two~~

~~COMMERCIAL: \$50.00 Minimum plus ½ of 1% of the total cost of the job.~~

INTERNAL PLUMBING PERMITS

~~FIXTURE FEE:~~

○ 1-4 Fixtures	\$40.00
○ Each additional fixture above four total	\$10.00
○ Hook up to public sewer	\$10.00
○ Hook up to existing subsurface system	\$10.00
○ Piping relocation with no new fixtures	\$10.00
○ Permit transfer	\$10.00

Late Fees may be assessed in accordance with applicable Codes and Ordinances.

~~CODE ENFORCEMENT DEPARTMENT FEE SCHEDULE~~

SUBSURFACE WASTEWATER DISPOSAL

~~Complete Disposal System:~~

○ Engineered system (includes one Disposal Area)	\$200.00
○ Non-engineered system	\$250.00
○ Primitive system (includes one alternative toilet)	\$100.00
○ Separate grey water disposal field	\$ 35.00
○ Seasonal conversion permit	\$ 50.00
○ First Time System Variance	\$ 20.00

~~Permits for separate parts of a disposal system:~~

○ Alternative toilet (only)	\$ 50.00
○ Disposal field only (engineered system)	\$150.00
○ Disposal field only (non-engineered system)	\$150.00
○ Treatment tank only (non-engineered system)	\$150.00
○ Treatment tank (engineered system)	\$ 80.00
○ Holding Tank	\$100.00
○ Other system Component (complete pump station, piping)	\$ 30.00

OIL, GAS, & SOLID FUEL PERMITS

○ Oil Burner	\$20.00
○ Wood Stove/Pellet Stove	\$20.00

○ Fire Place	_____	\$20.00
○ Vented Space Heaters	_____	\$20.00
○ Chimney	_____	\$20.00

MISCELLANEOUS PERMITS

○ Business Sign:	_____	\$40.00
○ Directional Sign:	_____	\$75.00
○ Street Opening (Residential):	_____	\$40.00
○ Certificate of Occupancy:	_____	\$25.00
○ Fences	_____	\$40.00
○ Swimming Pools	_____	\$40.00

~~Street Opening (Commercial): _____ 1/2 of 1% of Total Cost of Job~~

~~Late Fees may be assessed in accordance with applicable Codes and Ordinances.~~

ACTION: Councilor Vachon moved that one copy of the proposed ordinance amendment be attested and filed with the City Clerk for posting. The motion was seconded and passed by unanimous vote.

2014-C007

May 20, 2014

TITLE: AMEND CHAPTER 29 (CODE ENFORCEMENT DEPARTMENT), OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES BY COMPLETE SUBSTITUTION OF THE CHAPTER.

filed May 14, 2014
by Beverly Uhlenhake

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 29 (Code Enforcement Department) of the Charter, Codes and Ordinances of the City of Brewer, be amended by complete substitution of the Chapter:

CHAPTER 29 – CODE ENFORCEMENT DEPARTMENT

ARTICLE 1. CODE ENFORCEMENT OFFICER.

~~SECTION 101. CREATION. In accordance with Article 5, Section 3(a) of the Brewer City Charter, there is hereby created the office of the Code Enforcement Officer. As used in this Chapter, the term "Code Enforcement Officer" shall mean the Code Enforcement Officer and any duly appointed Assistant Code Enforcement Officer.~~

~~SECTION 102. ASSIGNMENT. In accordance with Article 5, Section 3(b) of the Brewer City Charter, the duty of the Inspectors of Buildings, Plumbing and Electrical is hereby assigned to the Code Enforcement Officer.~~

~~SECTION 103. APPOINTMENT. The Code Enforcement Officer shall be appointed by the City Manager, subject to the confirmation of the City Council to serve until his or her successor is appointed and qualified, except as hereinafter provided. The City Manager shall appoint, subject to the confirmation of the City Council, one or more Assistant Code Enforcement Officers who shall serve until their successors are appointed and qualified. The City Manager may appoint, subject to the confirmation of the City Council, one or more Assistant Code Enforcement Officers with complete or limited authority, who shall serve until their successors are duly appointed and qualified, except as hereinafter provided. The City Council shall appoint the Code Enforcement Officer and one or more Assistant Code Enforcement Officers as plumbing inspectors pursuant to Title 30 A M.R.S.A. §4221, as the same may be amended from time to time. (#1)~~

~~SECTION 104. DUTIES. The Code Enforcement Officer shall:~~

~~104.1. Perform the duties of the Inspector of Buildings as required by the Ordinances of the City and laws of the State of Maine.~~

~~104.1.1. During any vacancy in the office of Code Enforcement Officer, and during the absence from the City, or disability of the Code Enforcement Officer, the City Manager or his designee shall assume the duties and powers of the Code Enforcement Officer under the Building Code and Zoning Ordinance of the City or utilize the services of certified Code Enforcement Officers as agreed upon.~~

~~104.2. Perform the duties of the Code Enforcement Officer under the Brewer Housing Code more specifically set forth in Chapter 30 of the Charter, Codes and Ordinances of the City of Brewer.~~

~~104.3. Attend meetings of the Board of Appeals.~~

~~104.4. Enforce the Land Use Code of the City.~~

~~104.5. Inspect promptly the premises when application is made for a license or permit for some activity thereon which requires certification by him or her and either deliver promptly to the City Clerk a certificate approving such license or permit, or promptly advise the City Clerk of his or her refusal to so certify.~~

~~104.6. Perform all such duties as required by the laws of the State of Maine, City Charter, the Codes and Ordinances of the City, order of the City Council, or order of the City Manager.~~

(NEW ONE)

CHAPTER 29 - CODE ENFORCEMENT DEPARTMENT

ARTICLE 1 CODE ENFORCEMENT OFFICER.

Section 1.1 Creation:

In accordance with Article 5, Section 3(a) of the Brewer City Charter, there is hereby created the office of the Code Enforcement Officer. As used in this Chapter, the term "Code Enforcement Officer" shall mean the Code Enforcement Officer and any duly appointed Assistant Code Enforcement Officer.

Section 1.2 Assignment:

In accordance with Article 5, Section 3(b) of the Brewer City Charter, the duty of the Inspectors of Buildings, Plumbing and Electrical is hereby assigned to the Code Enforcement Officer.

Section 1.3 Appointment:

The Code Enforcement Officer shall be appointed by the City Manager, subject to the confirmation of the City Council to serve until his or her successor is appointed and qualified, except as hereinafter provided. The City Manager shall appoint, subject to the confirmation of the City Council, one or more Assistant Code Enforcement Officers who shall serve until their successors are appointed and qualified. The City Manager may appoint, subject to the confirmation of the City Council, one or more Assistant Code Enforcement Officers with complete or limited authority, who shall serve until their successors are duly appointed and qualified, except as hereinafter provided. The City Council shall appoint the Code Enforcement Officer and one or more Assistant Code Enforcement Officers as plumbing inspectors pursuant to Title 30-A M.R.S.A. §4221, as the same may be amended from time to time. (#1)

Section 1.3.1 Vacancy:

During any vacancy in the office of Code Enforcement Officer, and during the absence from the City, or disability of the Code Enforcement Officer, the City Manager or his designee shall assume the duties and powers of the Code Enforcement Officer under the Building Code and Zoning Ordinance of the City or utilize the services of certified Code Enforcement Officers as agreed upon.

ARTICLE 2 DUTIES

Section 2.1 Responsibilities:

The Code Enforcement Officer shall be responsible for the following:

1. Perform the duties of the Inspector of Buildings as required by the Ordinances of the City and laws of the State of Maine.

2. Perform the duties of the Code Enforcement Officer under the Brewer Housing Code more specifically set forth in Chapter 30 of the Charter, Codes and Ordinances of the City of Brewer.
3. Enforce the Land Use Code of the City, as well as respond to citizen questions in the administration and enforcement of the Land Use Code.
4. Attend meetings of the Board of Appeals and participate in appeal procedures.
5. Inspect promptly the premises when application is made for a license or permit for some activity thereon which requires certification by him or her and either deliver promptly to the City Clerk a certificate approving such license or permit, or promptly advise the City Clerk of his or her refusal to so certify.
6. Act upon building, construction and use applications, refer permits requiring Site Plan Review to the City Planner, refer subdivision applications to the City Planner, and refer requests for variances and administrative appeals to the Board of Appeals.
7. Revoke a permit after notice if it was issued in error or if it was based on erroneous information.
8. Enter any property at reasonable hours or enter any building with the consent of the owner, occupant or agent to inspect the property or building for compliance with the City of Brewer Land Use Code and land use laws set forth in Title 30-A M.R.S.A. Section 4452 Subsection 5. A municipal official' entry onto property under this paragraph is not a trespassing.
9. Investigate complaints and reported violations.
10. Keep written inspection reports and thorough records.
11. Issue violation notices
12. Issue Cease & Desist, consistent with Main State law.
13. Keep written inspection reports and thorough records.
14. Perform all such duties as required by the laws of the State of Maine, City Charter, the Codes and Ordinances of the City, order of the City Council, or order of the City Manager.

ARTICLE 3 CODE ENFORCEMENT OFFICER PERMIT REQUIRED

A permit from the Code Enforcement Officer shall be required before beginning or undertaking any of the following activities:

Section 3.1 Building Permit:

No building or structure shall be erected, added to or structurally altered until a permit therefore has been issued by the Code Enforcement Officer. All applications for such permits shall be in accordance with the requirements of the City of Brewer Land Use Code and Chapter 16 of the City of Brewer Charter, Codes and Ordinances, and unless upon written order of the Zoning Board of Appeals no such building permit or Certificate of Occupancy shall be issued for any building where said construction, addition or alteration or use thereof would be in violation of the provisions of the City of Brewer Land Use Code and Chapter 16 of the City of Brewer Charter, Codes and Ordinances.

Section 3.2 Moving Or Demolition Permit:

All buildings which are removed from or moved onto, or moved around within a lot, or demolished.

Section 3.3 Change Of Use

The change of any premises from one category of land use to any other land use.

Section 3.4 Activities Listed In the Schedule of Land Uses

Any activity listed in Article 3 Section 306.5 of the City of Brewer Land Use Code as requiring a permit from the Code Enforcement Officer. No permit may be issued under this provision for an activity which is part of a site or project requiring Site Plan Review Approval until such approval has been granted by the Planning Board.

Section 3.5 Site Plan Review Activities:

Any activity approved by the Planning Board under the Site Plan Review provisions of Article 6 of the City of Brewer Land Use Code.

Section 3.6 Additional Uses In Previously Approved Site Plans:

Any addition of uses inside a building having previously received Site Plan Review Approval from the Planning Board.

Section 3.7 Minor Expansions Of Previously Approved Site Plans:

Construction or expansion of accessory structures or uses, addition of an accessory uses, expansion of a primary building or structure, or expansion of an unvegetated area on a site or project which has received Site Plan Review Approval from the Planning Board or approval from the City Planner pursuant to Article 6, Section 610 of the City of Brewer Land Use Code.

ARTICLE 4 PERMIT APPLICATION PROCEDURE

Section 4.1 Application:

All applications for a permit shall be submitted in writing to the Code Enforcement Officer on forms provided for the purpose. All applications shall be signed by the owner or owners of the property, lessee, or other person(s) authorizing the work, certifying that the information in the application is complete and correct.

Section 4.2 Submissions:

There shall be submitted with all applications, unless deemed unnecessary by the Code Officer, one copy of a layout or plot plan drawn to scale showing the following:

- The actual dimensions of the lot to be built upon;
- In the Shoreland Zoning Protection District and Stream Protection District, the location and size of all buildings, structures, and other significant features currently existing on the lot, as well as all water bodies and wetlands within two hundred fifty (250) feet of the property boundaries;

- The exact size and location on the lot of the buildings and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of the City of Brewer Land Use Code;
- The existing and intended use of each building or structure;
- Where applicable, the location of soils test pits, subsurface sewage disposal systems, parking lots, driveways, signs, buffer strips, fences and private wells; and
- Such other information as may be reasonably required by the Code Enforcement Officer to provide for the administration and enforcement of the City of Brewer Land Use Code.

Section 4.3 Burden Of Proof:

The applicant shall have the burden of proving that a proposed land use activity is in conformity with the provisions of the City of Brewer Land Use Code.

ARTICLE 5 ACTION ON THE APPLICATION

Section 5.1 Deadline For Decision:

The Code Enforcement Officer shall, within thirty (30) calendar days of receipt of a completed application, issue the permit if all proposed construction and land use activity meets the provisions of the City of Brewer Land Use Code, or deny the application, or refer the applicant to the City Planner for Site Plan Review or Subdivision Review. All decisions of the Code Enforcement Officer shall be in writing.

Section 5.2 To Whom Issued:

No permit shall be issued except to the owner of record, lessee, or his/her authorized agent. In the case of a lessee or authorized agent the application shall be accompanied by a letter authorizing the lessee or the authorized agent to apply for the permit application.

ARTICLE 6 APPLICANT RESPONSIBILITY

Section 6.1 Posting:

The applicant shall conspicuously post any permit issued, on the lot where the activity will occur, at a location clearly visible from the street unless other means of posting are authorized by the Code Officer.

Section 6.2 Commencement And Completion Of Work:

Construction and alteration activities on projects for which a permit has been granted under this Section shall commence within six (6) months of the date of issuance of the permit and shall be substantially completed within twelve (12) months of that date. Activities which are not commenced or substantially completed within the time limits provided above shall be subject to a new application and the permit issued under this Section shall be considered void. Activities may be extended, one or more times for additional periods of 90 days each, by the Code Enforcement Officer, if an application for an extension is submitted not later than thirty (30) days prior to expiration of the prior permit.

Section 6.3 Appeals:

Appeals from decisions of the Code Enforcement Officer may be taken to the Board of Appeals in accordance with the provisions of Article 13 of the City of Brewer Land Use Code and Chapter 34 of the City of Brewer Charter, Codes and Ordinances.

Section 6.4 Certificate Of Occupancy:

- No land shall be occupied or used and no building hereafter erected, altered or extended, shall be used or changed in use until a Certificate of Occupancy shall have been issued by the Code Enforcement Officer, stating that the building or proposed use thereof complies with the provisions of the City of Brewer Land Use Code.
- No non-conforming use shall be renewed, changed or extended without a Certificate of Occupancy having first been issued by the Code Enforcement Officer within one year from date of non-occupancy.
- All Certificates of Occupancy shall be applied for coincident with the application for a building permit. Said certificate shall be issued within ten (10) days after the erection or alteration shall have been completed and approved.
- The Code Enforcement Officer shall maintain a record of all certificates and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building affected.
- Under such rules and regulations as may be established within the City of Brewer Land Use Code and Chapter 16 of the City of Brewer Charter, Codes and Ordinances, a temporary Certificate of Occupancy may be issued by the Code Enforcement Officer.

ARTICLE 7 ENFORCEMENT

Section 7.1 Code Enforcement Officer

It shall be the duty of the Code Enforcement Officer to enforce the provisions of the City of Brewer Land Use Code. If the Code Enforcement Officer shall find that any provisions of the City of Brewer Land Use Code are being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it within thirty (30) days unless deemed an emergency that could affect the health, safety or wellbeing of any person, persons or the City of Brewer. He or she shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings, structures, additions, or work being done, or shall take any other action authorized by this Chapter and applicable laws to ensure compliance with or to prevent violation of their provisions.

Section 7.2 On-Site Investigations

The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals, and shall investigate all complaints of alleged violations of the City of Brewer Land Use Code.

Section 7.3 Procedure Of Violation:

1st Time Violation

A written notice of violation is to be issued asking for the property owner/person(s) violating the ordinance to correct the violation within 7 days from the issuance of the warning.

Should the violation not be corrected within the 7 days from the date of issuance, than a Notice of Violation/Order for Corrective Action shall be issued, with a deadline for the violation to be brought into conformance within 30 days.

2nd Violation

Should the violation be brought into conformance within the required 30 days, but then be repeated the Code Enforcement Officer shall issue a notice than a Notice of Violation/Order for Corrective Action shall be issued, with a deadline for the violation to be brought into conformance within 15 days.

3rd Violation

Should the violation be brought into conformance within the required 15 days, but then be repeated the Code Enforcement Officer shall issue a Notice of Violation/Order for Corrective Action shall be issued, with a deadline for the violation to be brought into conformance within 7 days.

4th Violation

Should the violation be brought into conformance within the required 7 days, but then be repeated the Code Enforcement Officer shall issue a Stop Work Order on the property where the violation is taking place. The Stop Work Order shall remain in effect until such time as the violation resolved.

Section 7.4 Records

The Code Enforcement Officer shall keep a complete record of all essential transactions, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, appeals, court actions, violations investigated, violations found, and fees collected. In the case of shoreland zoning violations, the Code Enforcement Officer shall, on an annual basis, submit a summary of the record of such violations to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection.

ARTICLE 8 LEGAL ACTIONS, FINES

Section 8.1 Legal Action

When any violation of any provision of the City of Brewer Land Use Code shall be found to exist, the City Solicitor or other attorney, as designated by the City Council, upon notice from the Code Enforcement Officer, is hereby authorized to institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of the City of Brewer Land Use Code in the name of the City of Brewer. The Code Enforcement Officer is also authorized to represent the City of Brewer pursuant to Title 30A, M.R.S.A. §4452.

Section 8.2 Fines

Any person, firm, corporation or other legal entity, being the owner or having control of use of any building or premises who violates any of the provisions of the City of Brewer Land Use Code shall be penalized in accordance with Title 30-A MRSA Section 4452.

Section 8.3 Administrative Consent Agreement

Upon recommendation of the City Solicitor or other attorney designated by the City Council as to form and compliance with the City of Brewer Land Use Code, certain violations of the City of Brewer Land Use Code may be resolved by an Administrative Consent Agreement executed by the violator and the City Council or its designee. An Administrative Consent Agreement shall require, unless the City Council expressly finds that the violation was the direct result of erroneous advice or approval by City officials based on facts fully and accurately presented, that:

- A. The violation will be corrected in all respects;
- B. The violator admits to the violation; and
- C. The violator pays an appropriate monetary penalty of not less than \$100 nor more than the maximum civil penalty allowed as provided by law and the City's reasonable legal fees and costs.

ACTION: Councilor Uhlenhake moved that one copy of the proposed ordinance amendment be attested and filed with the City Clerk for posting. The motion was seconded and passed by unanimous vote.

2014-C008

May 20, 2014

TITLE: AMEND CHAPTER 31 (SEWER AND PRETREATMENT ORDINANCE), ARTICLE 4, BUILDING SEWERS, CONNECTIONS AND EXTENSIONS, SECTION 402, APPLICATION FEE REQUIRED AND ARTICLE 7, HAULED WASTEWATER, SECTIONS 702 (DISCHARGE FEES), 703 (DISCHARGE REQUIREMENTS) AND 704 (DISCHARGE PROCEDURE) OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES.

filed May 14, 2014
by Kevin O'Connell

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 31 (Sewer and Pretreatment Ordinance) of the Charter, Codes and Ordinances of the City of Brewer, Article 4, Building Sewers, Connections and Extensions, Section 402, Application Fee Required and Article 7, Hauled Wastewater, Sections 702 (Discharge Fees), 703 (Discharge Requirements) and 704 (Discharge Procedure) be amended as follows:

1. SECTION 402. APPLICATION FEE REQUIRED

There shall be two (2) classes of building sewer permits: (1) one for residential and (2) the other for service for establishments producing retail, commercial, industrial or institutional sewerage wastes.

In either case, the owner or his agent or the occupant of the property, shall make application on a special form furnished by the City's Plumbing inspector. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Plumbing Inspector and/or Superintendent. A permit and the inspection fee of ~~Twenty five~~ Fifty dollars (~~\$25.00~~) (\$50.00) shall be paid to the Plumbing Inspector at the time of application is filed for anything other than a new or expanded use of the sewer system.

In the case of new or additional residential units, a permit shall be applied for with a permit fee of ~~Two Hundred Fifty~~ Three Hundred dollars (~~\$250.00~~) (\$300.00) for each new or additional residential unit.

In the case of any new construction, renovation, or expansion of retail, commercial, industrial, or institutional use(s), a permit shall be applied for from the City's Plumbing Inspector and carry an initial fee ~~based upon~~ of \$50.00 plus, the City staff's estimate of the expected increase in daily sewerage flow resulting from the new construction, renovation or expansion of the retail, commercial, industrial or institutional use multiplied by One dollars (\$1.00) per gallon. The City shall separately average the daily gallonage of sewage flow for each of the four (4) full billing quarters after the completion of the new construction, renovation or expansion or the issuance of a Certificate of Occupancy, whichever occurs first. The average daily sewer gallonage for the last full billing quarter prior to the beginning of the new construction, renovation, or expansion shall be subtracted from the highest average daily gallonage for the four (4) billing quarters after the completion of the new construction, renovation, or expansion or the issuance of the Certificate of Occupancy, whichever occurs first.

2. SECTION 702. DISCHARGE FEES

Fees for treatment of septage and other hauled wastewater shall be established by the City Council in accordance with the provisions of this chapter. The rate shall be established per One Thousand (1000) gallons or portions thereof.

Septage Waste	\$60 per 1000 gallons
For Haulers Committing to 1,000,000/gal. per yr.	\$55 per 1000 gallons
<u>For Haulers Committing to 2,000,000/gal. per yr.</u>	<u>See Frost Septic Contract Section 4, Compensation</u>
<u>Holding Tank Waste</u>	<u>\$50 \$60.00 per 1000 gallons</u>
<u>Propylene Glycol (ANG & BIA)</u>	<u>Cost based on strength (BOD)</u>
<u>Leachate (Landfills)</u>	<u>Cost based on strength (BOD)</u>
<u>Soil Preparation Wastewater</u>	<u>Cost based on strength (BOD)</u>
<u>Grease</u>	<u>\$100.00/1000 gallons</u>

3. SECTION 703. DISCHARGE REQUIREMENTS

- A. The permitted vehicle must be equipped with a suitable discharge hose. This shall extend from the truck's discharge point to ~~below the rim of the manhole currently being used for septage/holding tank waste discharging~~ the connection at the Septage Receiving Station.
- B. The City will consider failure by the hauler to use a suitable discharge hose as grounds for refusing a hauler's load.
- C. Any spillage of the truck's contents onto the ground near the ~~manhole~~ Septage Receiving Station may constitute a health hazard as well as a nuisance. Immediate clean up of such spillage is the responsibility of the hauler.
- D. All septic haulers must have a functional sight gauge with marks indicating the volume in gallons of liquid carried in the truck tank.
- E. All permitted vehicles must be kept neat, clean, and in good repair. The name and place of business shall be located on each side of the vehicle in plain view.
- F. The maximum daily limit of septage ~~and holding tank waste~~ is ~~Twenty five Thousand Fifty-two Thousand (25000)~~ (52,000) gallons per day on a first come first serve basis. Septic and holding wastes are accepted ~~between the hours of 7:00 A.M. and 3:00 P.M. Monday through Friday except holidays. It is recognized that unusual circumstances may require exceptions and the Superintendent is willing to work with all haulers as long as there is advance notification~~ Twenty-four (24) hours per day, seven days per week.

4. SECTION 704. DISCHARGE PROCEDURE

The Superintendent requests a ~~Twenty-Four (24)~~ One (1) hour notice of a discharge. Only Official Septic Waste Disposal Records of the City of Brewer will be accepted. The hauler must come to the POTW located at 37 Oak Street and complete an official discharge slip and to make payment of the discharge fee. Payment is expected at this time unless the hauler has made previous (written) arrangements with the Superintendent such as monthly billings. If samples are required at the time of the discharge the hauler will be given a container and will collect a sample during the discharge. The sample will be left at the discharge site and retrieved by City staff. Failure to collect a sample may be grounds for refusing future loads from the hauler. ~~The hauler will then be directed to the receiving station.~~ Wastewater personnel must be present during the disposal.

ACTION: Councilor O'Connell moved that one copy of the proposed ordinance amendment be attested and filed with the City Clerk for posting. The motion was seconded and passed by unanimous vote.

2014-C009

May 20, 2014

TITLE: AMEND CHAPTER 41 (ENGINEERING DEPARTMENT),
ARTICLE 2, CITY ENGINEER, SECTION 203, OTHER DUTIES,
BY ADDING SUBSECTION 203.11 OF THE CITY OF BREWER
CHARTER, CODES AND ORDINANCES.

filed May 14, 2014
by Joseph Ferris

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 41 (Engineering Department) of the Charter, Codes and Ordinances of the City of Brewer, Article 2, City Engineer, Section 203, Other Duties, be amended by adding Subsection 203.11 as follows:

203.11. The City Engineer shall act as the City’s Road Commissioner and shall have all of the powers, duties and authorities of a Road Commissioner as set forth in Title 23 M.R.S.A Section 2701, et seq.

ACTION: Councilor Ferris moved that one copy of the proposed ordinance amendment be attested and filed with the City Clerk for posting. The motion was seconded and passed by unanimous vote.

H. New Items with Leave of Council.

There were no items.

Mayor Goss said he would accept a motion for adjournment.

ACTION: Councilor Ferris moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 7:20 p.m.

ADJOURNED, ATTEST: _____ Pamela J. Ryan
City Clerk
A TRUE COPY, ATTEST: _____ Brewer, Maine